

Election Observation in Nigeria & Madagascar: Diplomatic vs. Technocratic Bias

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International election observation has become a valuable means of supporting African democratic polity. Notably, EU observer missions adopting a professional approach are meant to shield against political pressures from partisan stakeholder interests. However, this growing professionalism did not necessarily lead to less biased observation results. Available evidence suggests that in crucial cases, the origin and orientation of the bias changed from 'diplomatic' to 'technocratic'. The latter can be at least as damaging to the declared aims of election observation as the former. Two outstanding examples, the observation of transitional elections in Nigeria and Madagascar, will serve to illustrate this hypothesis and its consequences for the necessary reorientation of election observation methodology.

Election Observation: African Regimes in Transition

The support for democratisation, including the right to participate in the establishment of governments through free and fair elections, is a cornerstone of the foreign policy and development co-operation of the European Union (EU), the United Nations (UN), the African Union (AU), and similar international bodies concerned with democracy-building. Free elections are considered to be an essential step in the democratisation process. They are supposed to promote good governance, respect for the rule of law as well as a wide range of human rights (cf. EU, 2000:3-4; EIHDR, 2002). 'An informed people, owning the electoral process, is the key factor in this context' (EU, 2000:4). In broad terms international election observation is part of election assistance. Its main goals are the legitimisation of an electoral process, where appropriate, and the enhancement of public confidence, as well as respect for human rights, and the capability for conflict resolution (cf. EU, 2000:4). Observer missions are supposed to make informed judgments on the conduct of such a process, on the basis of information collected by independent persons, who are not inherently authorised to intervene in the process. International election observation is based on the principles of full coverage, impartiality, transparency and professionalism (cf. IDEA, 1997:10; EU, 2002:5-6).

In general, election observation is informed by two distinctive but closely linked major objectives. First, the interest of foreign policy to back good governance in developing countries by recognising legitimate elections and governments. In what follows, this will be called (for the sake of argument) the 'diplomatic objective'. Second, election observation is meant to assist the process of democratisation and the

development of a human rights culture; this will be called the 'aid objective'. Both components share the ultimate aim of any development co-operation, that is, to make itself redundant by entrenching innovations (like democracy) deep within each nation through capacity-building (EU, 2002:5-6).

Of course, both elections and their observation are open-ended processes. Obviously nobody should intimidate observer missions from refusing the stamp of 'free and fair' to elections on the grounds of the observer team's own observations. The consequences of this evaluation within the framework of performance-based aid allocation, as outlined for example by the Cotonou Agreement of 2000 for ACP countries (cf. Loquai, 2001), should apply to all governments, not just to those of powerless small countries, like in the case of the presidential elections in Togo in 1998 and Kazakhstan in 1999. Unfortunately, double standards and rigged rules of the observing agencies have been a major problem of international election observation right from the beginning. For this reason, scholars concerned with the improvement of this policy tool have repeatedly called for increasing professionalism and target-directed implementation (cf. Engel et al. 1996; Mair, 1997).

In the following I will show that professionalism, as understood by the majority of experts concerned, does not necessarily improve the outcome of election observation. On the contrary, it may result in a technocratic bias, which is at least as damaging as the diplomatic bias, which it proposes to cure. The EU approach to election observation will serve as an example to illustrate this hypothesis, because it has justly been considered the most professional and independent of all observation missions funded by international public accounts. Nevertheless, the EU approach often has a twofold bias, which should be corrected to meet the overall aims of democracy assistance. It goes without saying that the following appraisal applies to other election observation bodies as well. Two outstanding cases, the observation of transitional or founding elections in Nigeria (February, 1999) and Madagascar (December, 2002), will highlight the consequences of biased observation.¹ Further reference will be made to the diplomatic bias, but because the technocratic bias resulting from the striving for professionalism has so far received little attention, I shall focus on the latter.

Diplomatic Bias

Certainly, as in any evaluation of political processes, there exists a considerable margin of error and of wrong judgments concerning electoral processes in politically sensitive situations. Therefore, precaution has to be taken not to base political or economic sanctions on a disputed evaluation outcome, especially in 'grey situations' (EU, 2000:33), or in situations where there is a great discrepancy between formal and informal politics, which even professional observers may find difficult to detect. Nevertheless, notably in African transition countries, due regard should be paid to both the above-mentioned aims of election observation. In these cases it becomes even more pertinent not to favour the diplomatic objective at the expense of the development orientation of election observation as a policy instrument. However, notably in the case of founding elections, EU observer missions – like other international observer missions – are apparently inclined to give a premium to diplomacy. Conflict prevention is obviously the major reason for this deviation from the declared aims of election observation. South African, Nigerian and Rwandan founding elections in 1994, 1999 and 2003 are outstanding examples (cf. Szeftel, 1994; Mustapha, 1999; ARB, 2003:15399-15402). But other vested interests also played a role, for example, when governments of EU member states wanted to back western-

orientated presidents who came to power in difficult transition processes from autocratic to democratic rule, as in the case of Kenya (2002; cf. Cliffe, 2003; Peters, 2002), Madagascar (2002, cf. below) or, as a failed case in point, Zimbabwe (2002, cf. ZESN).

This is not to contest the right of the EU, state or international organisation to pursue its own legitimate foreign policy. As far as election observation as an 'instrument' is concerned, it becomes biased and devalued if flawed elections are disguised for diplomatic reasons. Unfortunately this was the case in the well-documented EU/UN observation of the 1999 Nigerian presidential elections, which – together with the preceding parliamentary and local government elections – represented a major turning point in the transition from decades of military dictatorship to civilian rule. For the first time since 1983 (with the exception of the annulled presidential elections of 1993), Nigerians had the opportunity to exercise the right to change their government. This election was a good example of a borderline case where professional standards of election observation (as defined above) were violated by the strong bias of diplomatic final pronouncements by national and international observer missions declaring the elections to be 'free and fair'.

The Transitional Monitoring Group (TGM), the largest group with 10,700 accredited national observers, was quite outspoken in its fundamental rejection of the presidential elections as 'marked by widespread malpractice and irregularities, which tainted the credibility of the process', notably the account of the most disturbing extent 'to which electoral officers colluded across the country in the falsification of the results' (cf. Brunner & Stroux, 1999:44). Nevertheless, the majority of international observation missions accepted the outcome of the elections as representing 'the will of the nation' (cf. EU 2000:5, 30; Carter Center, 1999; Commonwealth, 1999). Others, like the Association of African Election Authorities (AAEA/IFES, 1999) and the Nigerian Independent National Election Commission (INEC, 1999), restricted themselves to a 'technical evaluation' of the legal and institutional framework and the organisational capacity of the government, because they did not want to become embroiled in politics (cf. Brunner & Stroux, 1999:46). All these political restrictions, although motivated by a wide range of different interests and characterised by different assessments, had one underlying major informal aim in common: they were apparently made mainly for reasons of diplomacy, particularly because of the paramount concern for political stability and conflict prevention in the sub-region in the aftermath of the Abacha dictatorship (cf. Brunner & Stroux, 1999:47; Kew, 1999:30). The Washington-based international Non-Government Organization (NGO) *Human Rights Watch* (1999) gave an instructive summary of the cautious, but at the same time ambiguous statements of national and international observation groups of the 1999 Nigerian presidential elections.

By contrast, major independent institutions, academics, and at least some participating international observers were more forthright (and probably also more impartial) in their appraisal. They characterised these elections as rigged right from the beginning, as not representing the will of the electorate, or if they did, then only in so far as most Nigerians were willing to accept an obviously flawed process in order to get rid of the military dictatorship (cf. Kew, 1999:29; Sesay & Ukeje, 1999; Ihonvbere, 1999; Enemu, 1999; Maja-Pearce, 1999; Mustapha, 1999:287; Greiter, Jockers & Rhode, 1998; Brunner & Stroux, 1999). The overall evaluation of the democratic process in Nigeria by the intergovernmental International Institute for Democracy and Electoral Assistance (IDEA), an organisation founded in 1995 with global

membership, independent of specific national interests which – in its own words – seeks to nurture and support sustainable democracy world-wide, was revealing:

In interrogating the role of political parties in the new political order, the point of departure is the sad, but accurate observation that Nigeria does not yet have political parties. Instead, it has associations of personalities that organize to get themselves – or, if that fails, their friends – elected into state office, for the sole purposes of engaging in accumulation and self-aggrandizement. The elections that heralded the Fourth Republic are believed to have been so widely rigged that they are now called ‘selections’. Elections in Nigeria, by and large, have been no more than ‘choiceless’ exercises in which the outcome has often been determined before election day (IDEA, 2000:142).

Apparently the EU team observing the Nigerian parliamentary and presidential elections in April/May 2003 learned its lesson. There was little to choose between the 1999 and 2003 elections in terms of electoral rigging, gross human rights violations, and violence, nor indeed did the threat of attempted coups or outright civil war differ much between the first poll and the second. Yet the EU observer mission’s evaluation indicates a significant change of approach over the intervening period of four years. Despite considerable political and diplomatic pressure from diplomatic interests, not least from the Nigerian government and its peers in the AU and ECOWAS, the 2003 EU mission preserved its political and professional independence. Headed by Max van den Berg (the Netherlands), the team courageously documented widespread fraud and manipulation, which seriously endangered the legitimacy of the presidential and a number of gubernatorial elections, as in several states even the minimum standards for democratic elections were not met (cf. EU, 2003a; Jockers, Rohde & Peters, 2003; EU, 2003; Traub-Merz, 2003:1; Akinola, 2003; Semenitari, 2003). To be fair, the EU mission commended the election process for having successfully avoided clashes between the Northern and Southern power groups, which might have led to the disintegration of the state. But this acknowledgement did not shield the EU observer group from severe criticism on the part of the Nigerian head of state, Olusegun Obasanjo, ECOWAS and AU members, and probably also on the part of some EU member state diplomats.

However, there is no guarantee that even EU observations will maintain their high professional standards and continue to resist the kind of politically motivated pressure, which typically results in the ‘diplomatic bias’. There is a considerable range of possible outcomes, not least because of differences of political orientation and qualification among members of the observer mission core team (cf. Baker, 2002; Mair, 1997). This has only recently been confirmed by the outcome of the observation of Rwanda’s presidential election in 2003. In a somewhat diplomatic (preliminary) statement, the EU observers characterised this first presidential election since the 1994 genocide as ‘an important step in the democratic process’, but as ‘not entirely’ free and fair, because ‘there is still work to be done in terms of credibility, transparency and freedom of expression’. In addition, the EU observers raised concerns about the intimidation of opposition supporters during the election campaign (cf. EU-Rwanda, 2003). Nevertheless, they were accused by the Rwanda government and the Rwandan National Electoral Commission as biased and as a ‘delegation (which) came to our country just to make a political report’ (‘Rwanda rejects poll critics’, BBC news, 29 August 2003). Earlier, the South African observer mission had already appraised the election as ‘free and fair’. *Human Rights Watch* representative Alison Des Forges, on the other hand, declared: ‘It is not an exercise in democracy by the standards of anywhere in the world’, and *Amnesty International* said in a statement on 22 August:

'The government has stage-managed the first post-genocide elections in a climate of fear and intimidation' (cf. *Africa Research Bulletin*, 1-31 August 2003:15401).

Whereas the above examples of diplomatically veiled criticism of rigged elections may have been justified on account of honourable overriding political intentions, notably that of crisis prevention, there are other sad examples which clearly document mere opportunistic backing of autocratic rulers by their peers. The reports of the Francophonie (OIF, cf. AFP, 6 June 2003), the AU, and ECOWAS observation teams on the undemocratic presidential elections in Togo (1 June 2003) are cases in point. One can only hope that this is not a true reflection of the poor quality and insufficient impartiality of the African Peer Review Mechanism (APRM) established by the New Partnership for Africa's Development (NEPAD) in June 2002.

The apparent ambiguity of the diplomatic bias undermines the confidence of the stakeholders in this policy instrument, because it can easily be exploited by partisan interests in the pursuit of illegitimate aims; therefore it should be proscribed altogether. A clear separation between the aims of international election observation on the one hand, and other legitimate tools of international or foreign policy on the other, is not only feasible, but also more target-directed and effective, and is therefore highly recommended.

Technocratic Bias: Malagasy Founding Elections, 2002

In view of the ambitious aims of international election observation, Western donors are frequently criticised for focusing exclusively and excessively on formal procedures of democracy such as elections. This holds especially for developing countries in Africa where the informal sector both in politics and economics may be more important than the formal (cf. Bayart, 1989; Bayart et al. 1997; Chabal & Daloz, 1999; Engel et al. 1994). Democracy cannot be imposed by foreigners, and elections are only one prerequisite of democratisation. Therefore the EU is right in emphasising that care should be taken not to legitimise an illegitimate process by backing manipulated elections through international election observation (cf. EU, 2002:5). Without the necessary constitutional and socio-cultural framework allowing for genuine democracy, seemingly free and fair elections may degenerate to 'illiberal democracy' (cf. EU, 2000:3, in quoting Zakaria, 1997:42), or to window-dressing of autocratic governance (cf. Douglas, 1998:471-475; Erdmann, 2002). Consequently, the European Initiative for Democracy and Human Rights (EIDHR) has recently reallocated funds designated for electoral assistance between the mid-1990s and 2002 to democracy-building with a self-declared bottom-up approach. The proportion of funds allocated for elections has fallen from over 50 per cent to 15 per cent; most EU member states have earmarked an even smaller percentage of their national programmes for this purpose (cf. Youngs, 2003:129). Nevertheless the top-down approach and the focus on formal procedural components of democratic polity is still very much alive, at least in the field of election observation. Apart from the diplomatic bias, this is one of the major causes of the distortion of election observation as instrument of EU development cooperation and foreign policy.

Available evidence suggests that, although election observation becomes more target-orientated and less prone to political pressure with increasing professionalism, this does not necessarily make it less biased. What is likely to differ in many cases, is rather the origin and orientation of the bias involved: professionalism often promotes political engineering, and therefore it is likely to replace diplomatic bias with technocratic bias. The latter may be as least as damaging to the declared aims of

election observation as the former. This will be demonstrated by the following example of EU observation of parliamentary elections in Madagascar (December, 2002). The professional approach of EU election observation in this case was flawed not so much for diplomatic, but rather for 'technical' reasons. This may be explained by two factors. First, democracy-promotion by the EU still suffers from shortcomings in the conceptualisation of the link between democracy-building and the local level of social and cultural development; that is, an insufficient understanding of the close interrelatedness of social, economic and political change (cf. Youngs, 2003; 2001). Second, and closely related to the first, the growing professionalism of the approach of international election observation provokes the risk of falling into the same trap as other sophisticated instruments of development assistance have done before: the risk of political and social engineering without due regard to the indigenous socio-cultural setting.² Accentuated by the increasing commercialisation of the 'business' of international election observation, many experts who compete on the international market for participation in observer missions tend to become technocratic (cf. Kohnert, 1994; 1995). They concentrate on those technical domains which they know best, for example, the legal and (formal) institutional framework of a democratic multi-party system, analyses of the media, sound scientific sampling procedures, close supervision of the aggregation and fast and safe communication of polling results etc., and they tend to disregard adapting this knowledge to local socio-cultural conditions. Therefore it is often assumed that local experts, fluent in the vernacular and acquainted with the cultural setting, are more observant of what really matters. Unfortunately this assumption is hardly less misleading (cf. Kohnert, 1995).

Thus it may happen that even professional election observers turn a blind eye to informal politics of African countries in transition, not just for diplomatic reasons, lack of time and resources, or because they think that 'politics of the belly' (Bayart) do not matter, but also because of professional blinkers reinforced by globalised standards of democratisation (as explained below). In what follows I want to highlight in some detail the danger inherent in this technical approach to election observation. I shall do so by looking at examples of heuristic value from EU observation of the legislative elections of December 2002, which have not been as thoroughly documented as the Nigerian elections of 1999.

Malagasy Pre-electoral Political Situation & International Relations

Madagascar experienced a deep political and economic crisis in the first half of 2002 following a disputed presidential election on 16 December 2001. While apparently neither candidate won an absolute majority, the opposition candidate, a wealthy businessman and mayor of the capital Antananarivo, Marc Ravalomanana, claimed the poll was rigged in favour of the outgoing president. His contender, Admiral Didier Ratsiraka, the representative of the old regime, was running (with interruptions) for his fifth term of office. Results from the National Electoral Council (CNE) and the Interior Ministry gave Ravalomanana a lead with 46 per cent against Ratsiraka's 40 per cent. Since neither candidate achieved the absolute majority, a second ballot was declared necessary. Ravalomanana refused to take part in a run-off against President Ratsiraka, because his own supporting committee (KMMR) and a consortium of national election observers, mainly from church organisations (FFKM, Consortium of National Election Observers (CNOE) etc.), claimed that he had won an outright majority of the votes (51 to 56 per cent) (cf. CNOE, 2002; Urfer, 2002). In January 2002, Ravalomanana and his supporters mounted a general strike and mass protests in the capital to support their demand for a recounting of the votes. As the

regime in power had refused the participation of foreign observers, and the Ratsiraka-appointed Constitutional High Court was regarded as biased in favour of the *ancien régime* (cf. Marcus, 2002:6-8; Marcus/Razafindrakoto, 2003), Ravalomanana and his supporters proclaimed him president on 22 February 2002. Conciliatory efforts by the international community, notably by the OAU, the predecessor of the African Union (AU), failed. On 17 March, Ratsiraka rejected a proposal by the OAU to form a 'reconciliation government'. On 17 April the reconstituted Constitutional High Court (HCC) recounted the votes and declared Ravalomanana the winner of the 2001 presidential elections with 51 per cent of the votes. The Ratsiraka regime rejected the ruling, and the administrative authorities of four of the six Malagasy provinces threatened with secession. The subsequent stalemate resulted in a paralysed national economy and in violent conflicts verging on civil war. The scourge of instrumentalisation of ethnicity and regional affiliation for partisan reasons or just for economic gain, interventions by mercenaries and warlords, well-known from the transition processes of other African states, emerged in Madagascar as well (anonymus, 2002; Larson, 2002; Raison, 2002; Raison-Jourde/Randrianja, 2002; Ramamonjisoa, 2002). The majority of the population, supported by leaders of mainstream Christian churches, reached a social consensus about the necessity of a political revival. Because large parts of the army remained neutral or even supported the new regime, the latter finally succeeded in June in overcoming the last pockets of armed resistance by pro-Ratsiraka governors in the North of the country (cf. Chaigneau, 2002; Urfer, 2002).

Most African states and major donors (France, USA, EU, Japan, IMF/WB) were initially reluctant to recognise the new regime. This holds notably for France, so far the major bilateral donor, which honoured its historical links with the *Messieurs Afrique*. In view of the continuing isolation of the new Malagasy regime by the AU through its refusal to admit the country to its own ranks, major Western donors mounted pressure for premature legislative elections, originally scheduled for May 2003. They considered early elections as a litmus test of the legitimacy of the Ravalomanana government and as a pre-condition for the substantial financial support for national reconstruction promised at a donor conference in Paris on 14 July. The key question was, as Marcus (2002:3) pointed out: 'If a challenger is faced with a highly flawed electoral process and a dearth of constitutional options for rectifying the outcome, then does that give him license to undertake extra-constitutional measures in the name of a more democratic end?' This question was answered unambiguously, both by the unexpected and unwavering commitment of sections of the civic society, notably in the capital, and by the early reaction of some European governments, especially through the German and Swiss ambassadors in Antananarivo.³ In this crucial phase of the transition process, 'civic action was not only an acceptable option, but the only option for saving the country from a significant backslide towards an opaque political system led by a self-serving autocrat' (Marcus, 2002:3-4).

Therefore the National Assembly (lower house of parliament) and the former Senate,⁴ still dominated by the former ruling party AREMA (Association for the Rebirth of Madagascar) and the old regime, were dissolved on 16 October, and parliamentary elections were set for 15 December 2002. The electoral law of 11 October promulgated a revised demarcation of a total of 160 constituencies, each providing for one seat in parliament. The polling process was to be supervised by a new national election council (CNE). The revision of the electoral list, the registration of some six million voters and of the 1,319 candidates, representing more than 40 parties finally

recognised by the HCC, started in October. However, the distribution of voters' cards was only completed on 8 December. TIM, (*Tiako-I-Madagasikara*, or *I Love Madagascar* in the Malagasy language), was the slogan and designation of the key pro-Ravalomanana party. AREMA, now the major opposition party, as well as the parties close to the former President Albert Zafy, propagated a 'front of refusal' and threatened to boycott the elections. Owing to internal faction fighting, the boycott failed to achieve tangible results. A number of former allies of Ratsiraka and Zafy were enticed and defected to join the promising TIM or to become independent candidates. For the first time in Madagascar's electoral history, observers from the European Union (EU) were invited to monitor the elections alongside the AU, Francophone and national observers (cf. Urfer, 2003).

As a large part of the population thought that their political choice had been demonstrated already by the civic campaigns in January 2002, political observers forecasted low voter participation. In fact, many Malagasy citizens were confused about the real aim of the legislative elections, notably because there was a manifest tendency, supported by certain candidates of TIM and the pro-Ravalomanana coalition, to present these elections as the second round of the presidential elections of December 2001, for the purpose of legitimising ex-post the President's disputed victory (cf. Urfer, 2003:1, 11). For other voters the election constituted a challenge to the functioning of the institutional framework of democracy in view of the unchanged underlying social structure of patrimonialism and the prebend economy. However, the EU and the AU were apparently more concerned with the ex-post legitimisation of the presidential election and the victory of the President than with parliamentary elections for their own sake, or with the change of power by popular pressure, that is, by unconstitutional means. The latter constituted in their view a break of formal democratic rules, which should be corrected as far as possible by proper parliamentary elections. In what follows, I propose to show that it is open to question whether the EU observer mission's emphasis on formal democratic procedure, without due regard to the socio-cultural setting, served the cause of promoting substantial democracy in Madagascar.

Aims of EU Election Observation, 2002

At the invitation of the Malagasy government (dated 31 July), the EU agreed to observe the proposed legislative elections of 15 December, with the mandate to 'guarantee a credible observation of the entire electoral process' (cf. website: www.ue-moem.org, 10 June 2003; author's note 3/2004: website extinct; website address was high-jacked by a porno provider. At least the EU observation reports on the 2002 election in Madagascar can be found on the following website: http://europa.eu.int/comm/external_relations/human_rights/eu_election_ass_observ/mdk/index.htm). The EU undertook to present the Malagasy government, the donors, and the general public with an impartial evaluation of the electoral process, with special regard to the following potential pitfalls of the electoral proceedings:

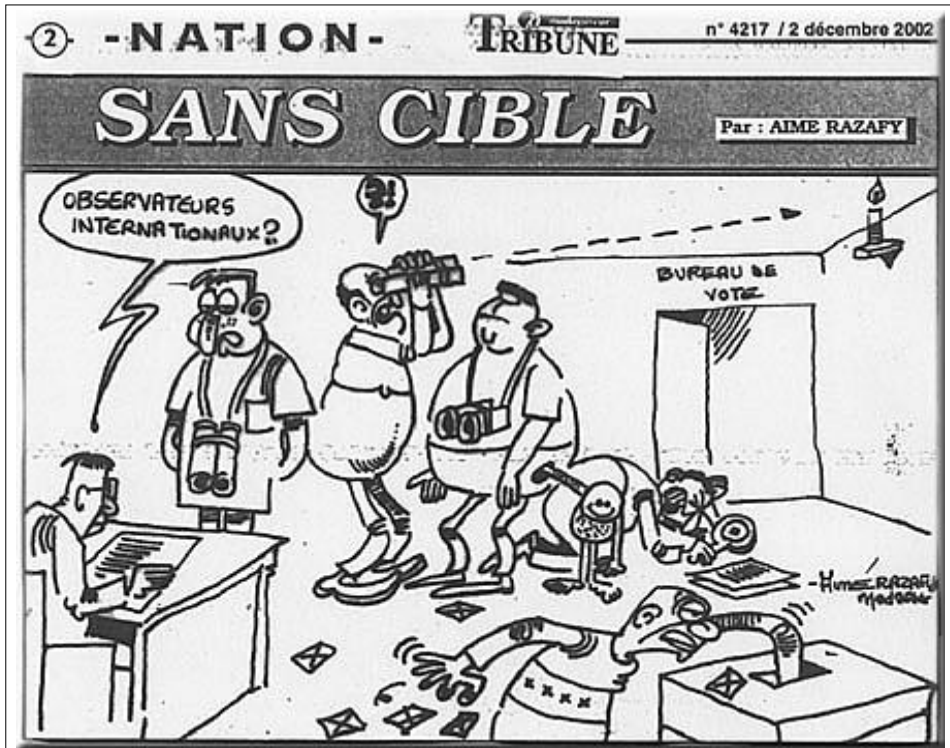
- Absence of rules concerning the financing of political parties;
- Regulations concerning birth certificates as substitute for identity cards;
- Establishment of polling lists;
- Distribution of voters' cards;

- Utilisation of original ballot papers and envelopes;
- Regulations concerning deployed officials or migrant voters absent from their home towns;
- Consolidation and viability of transmission of the results;
- Control of equal access to the media (cf. EU 2002).

The general aims of the EU's election assistance and observation, corresponding to the criteria of political conditions attached to aid, were to promote free and fair elections as a precondition for promoting human rights and genuine democracy in order to create sustainable development.⁵ Besides, there were vested interests of participating EU-member states and other major donors, not necessarily in line with these declared aims, and sometimes even contradicting one another (cf. Rajaonah, 2002; Brüne & Quillien, 2002). However, for the overwhelming majority of the EU members the most pressing priority was to legitimise the new pro-western Ravalomanana regime, representing for them a transition process to liberal multi-party democracy, good governance and free trade, as promised and initiated by the Ravalomanana government since its establishment in April 2002.

Questionable Observation Approach & its Implementation

The formalistic approach applied by the EU's election observation mission in Madagascar was well adapted to the aim of legitimising ex-post the newly-established political powers in Antananarivo; a total of 89 observers from the EU took



EU-Wahlbeobachter in Madagaskar aus Sicht der *Madagascar Tribune*, 02 Décembre 2002
International election observers in Madagascar

part in the exercise. Apart from the core team of six experts, who arrived earlier on 6 November, 16 long-term observers (LTOs, about four weeks' stay), 46 short-term observers (STOs, about two weeks' stay), nine members of a delegation of European parliamentarians and seven voluntary European observers, were deployed across the six provinces, 80 per cent of them in the countryside. In total they observed 465 out of 17,027 polling stations countrywide on voting day – 15 December. One cornerstone of that approach was the selection of an in-depth sample of 62 observed polling stations (*bureaux de vote*) and district census offices (*commissions de recensement matériel de vote*, CRMV), even in remote rural areas, to guarantee a balanced survey as far as possible. Here the observers had to monitor not only the voting, but also the counting proceedings, the transfer of data to the CRMV at district or provincial levels, and the consolidation of the results at CRMV level.

The STOs were meant to observe not just the polling day, but at least the final three days of the electoral campaign, which lasted two weeks (from 30 November to 14 December). But because a significant number of the STOs arrived late at their destination due to transport problems, and because they had to familiarise themselves with their region first, this was not always possible, as they were not able to leave the capital before 11 December. In addition experts of the EU mission monitored private and public radio and TV stations as well as print media to establish whether equal access to the media was guaranteed.

Implementation of the observation approach was basically 'top-down', with a hierarchical line of command from the core team via the LTOs to the STOs. This certainly enhanced the rapid and reliable reporting of observation results to the core team. On the other hand, it discouraged short-term experts from showing initiative and taking personal responsibility, which proved to be necessary wherever the rigid rules set by the core team had to be adapted to local conditions on account of African 'politics of the belly' (cf. Bayart, 1989, 1997; Chabal & Daloz, 1999). In addition, the structure effectively prevented 'bottom-up' evaluation by STOs of local political and cultural factors influencing the election, partly on account of the work overload resulting from the legalistic questionnaire methodology of the statistical sample.

The following Malagasy proverb reflects the a critical view of this inflexible eurocentric vision: *Vazaha lany mofo, lany zavatra tsakoina*, meaning 'a White man who has finished his bread has nothing else to gnaw'.⁶ One outstanding example of the disregard for socio-cultural factors was the lack of interpreters. Thus, in villages where no one in the polling stations understood French, the EU observers were not able to communicate with the staff, party representatives or the national observers: the EU observers could not speak Malagasy, and unauthorised persons – like the drivers, whom many observers normally asked for help, were not allowed on the premises of the polling stations. The lack of interpreters was readily recognised as a restriction by the core team, but excused with the lack of funds. However, it probably also reflected euro-centric priorities – priorities that paid little attention to cultural issues, but showed a preference for technocratic solutions, high-tech input (like satellite and cellular phones and four-wheel drive cars for every observer team), and statistically sound sample surveys. The aim to cover even the most remotest village in this sample survey was certainly well-intentioned, because it meant to forestall possible accusations of unrepresentative observation. But given the notoriously bad infrastructure of Madagascar, this commitment meant that observers not only lacked the time to acquaint themselves with the local socio-cultural setting, but that they risked (at least in extreme cases) to spend polling day in the middle of nowhere, looking at their broken-down vehicles instead of monitoring voting procedures.⁷

It is doubtful whether the legalistic 'top-down' approach with its emphasis on formal political procedures adopted by the EU mission in Madagascar was appropriate even in terms of its own declared main objective, namely to guarantee credible observation of the entire electoral process. First of all, it was clear from the outset that the electoral campaign could not be reduced to the period of some four days prior to polling day. Crucial steps relating to the institutional political framework, which influenced the outcome of the election, had been taken months and even years before the event. There are good reasons to assume that the electoral process, both for the presidential and the legislative elections of December 2001 and 2002, did not start with the balloting or even with the official electoral campaigns. It actually all began with the constitutional referendum of 15 March 1998 and the subsequent decentralisation policy, instrumentalised by the partisan interest of the ruling elite, with important effects on the voting system (cf. Marcus, 2002:6-7). However, the LTOs and the STOs had neither the time nor the resources to evaluate properly how the run-up to the election affected polling at local level. Moreover, the core team failed to generate even a basic awareness of these factors among the observers. Second, extensive political analyses of Malagasy politics and reports by the consortium of national observers (CNOE) had previously underlined the vital role of informal politics in the presidential elections of December 2001⁸ (cf. CNOE, 2002; Larson, 2002; Marcus, 2002; Randrianja, 2002, 1997; Raison-Jourde & Randrianja, 2002; Roubaud, 2000; Urfer, 2002). Both the reports of the consortium (CNOE) and relevant analyses should have been known to the EU mission well in advance of their arrival, since this information was readily available – even on the internet, with part of the material even being mentioned on the EU mission's own website. It is hard to understand why this materials had hardly influenced the EU mission's programme or plan of action.

The EU approach was even more questionable in respect of the 'aid objective' as set out above: the overall aim of election observation to promote sustainable and substantial democracy. Although there are internationally recognised globalised values of democratisation, these rules and value systems still allow for different democratic cultures. Wole Soyinka (1994:13) summarised these under the heading of the *Democratic Tendency*, and they include popular participation in political decisions and development-orientated governance. I propose to follow Amartya Sen and Wole Soyinka in defining (in opposition to cultural relativism) a philosophical concept of democratisation and development beyond the limitations of a focus on material welfare. In this vision, democratisation appears as a process guided by universal aims of mankind, and these aims relate to one another not in a competitive manner, as for instance economic growth and human rights often do, but the vision incorporates cornerstones of the *raison d'être* of the human community, like the guarantee of basic human rights (including the respect of the cultural heritage and poverty alleviation) and, at the same time, democratisation (cf. Sen, 2002:2-6; Soyinka, 1994:7, 9; Hountondji, 2001). In case of doubt, a legalistic approach to international election observation supports existing structures of the old authoritarian political system, rather than representing an emancipating momentum for the democratic tendency. In many parts of Madagascar, for example, Western-style elections are still conceived not as a possibility of choice (*mifidy*), but as an act of allegiance (*mandatsabato*) (personal communication, S. Randrianja). Thus the legalistic approach runs the risk of falling in line with the flimsy excuse of the cultural apology by African dictators, as castigated by Soyinka (1994).

Two examples may suffice to illustrate this point: in order to observe at close range the counting and the elaboration of the official protocol (*process verbal*, *PV*), the STOs were obliged by the core team to stay at their last polling station overnight should the

PV not be ready. Their presence was meant both as a deterrent against any possible cheating and to monitor the elaboration and transfer of the PV to the CRMV. It soon became clear that the semi-literate personnel responsible for the counting, even though not well-equipped, were dedicated to their task: to sort out their figures and to fill in – painstakingly writing word for word – the eight copies of the big PV questionnaire in dim candlelight. There was no question of cheating, all the more since their favourite, an independent Muslim teacher of the opposition, was apparently leading the poll. The voluntary but unqualified peasants, who finally signed the PV, worked with great zeal. After the counting was completed and the results were announced in public, most of the signatories – some of whom had been working on their farms before manning the polling stations – were so tired, that some of them quietly left to attend to their personal needs and to those of their families. However, they were obliged by the remaining staff to return, probably to honour the continued presence of the two *vazaha*, who were to wait for the PV to be ready.⁹ The *vazaha* were treated with respect and hospitality. Nevertheless, after hours of waiting and as midnight approached, the staff apparently longed for their departure. Under these special local conditions, the persistent presence and close follow-up by the observers reminded some villagers more of supervision and of neo-colonial attitudes than of non-partisan observation. Even worse, the observers' persistence was regarded as disrespectful of local customs, and was not seen as motivation for substantial democratic behaviour. Therefore, the observers finally decided to break the rules and left, probably to the great relief of the villagers. The polling station was closed after their departure. The exercise continued the next morning, since the local staff in any event had no means of transport to take the PV to the CRMV (some 45 km away) at night.

Thus, under certain conditions, the formalistic or technical inclination of the EU approach could be seen as an imposition of foreign concepts on well-intentioned villagers. In addition, and with even more serious consequences, this attitude could be seen as (implicit or involuntary) support for similarly formalistic behaviour by state officials at district or provincial level, e. g. in dealing with opposition candidates' complaints, which may have been regarded as inopportune by the new pro-Ravalomanana administrators. This possibly happened in the case of the independent Muslim candidate in Vohemar district mentioned earlier.

When it became apparent during the consolidation process that this candidate was in the lead, the observers were informed by the authorities that the CRMV could unfortunately not consider the votes for him in 14 polling stations because of formal mistakes in the PVs. The mistakes mentioned by the CRMV were minor formal faults – the absence of one of the required seven signatures from the PV, which could easily be explained on account of the appalling conditions under which the PVs were prepared (as described before). In addition, there was no reason to assume a disagreement between the signatories as an explanation for the refusal of a signature, because the majority in this region of the vanilla-cultivating Islamic north-east of Madagascar was clearly in favour of the Muslim candidate. Even from a legal point of view the decision to disregard votes was questionable, because according to the electoral law the CRMV had no right to declare the votes invalid. Instead, it would have to report any irregularities, together with its own evaluation, to the next higher hierarchical level. Subsequently the rival of the presumed winner of the election, a candidate of the ruling party TIM, was declared winner. The villagers who had voted for their hero must have been bewildered by this news. The unsuccessful candidate, shocked by his defeat, on the spot asked some expatriates for advice. On their recommendation he drafted a formal written complaint the same night and addressed

it to the CRMV, the district head, the Federal Ministry of Interior, and the HCC. But lacking the procedural means of writing such a request and being inexperienced in juridical procedures, he missed some important points. However, apparently this did not matter; on 10 January 2003, the HCC discarded the complaint, once again for formalistic reasons: the judges refused to consider the request because they received it only in one copy instead of the required two.¹⁰

Madagascar: Major Results of EU Election Observation

One indisputable advantage of the EU observation approach was the timely delivery of the results. Just three days after the polling on 18 December, the head of the EU mission, Mrs. Tana de Zulueta, member of the Italian Senate, published her preliminary conclusions. In view of the violent conflicts during the transition process which resulted in this premature legislative election, the mission congratulated the Malagasy people for the calm demonstrated during the polling, and commended the administration for the considerable efforts made to assure a proper election. Apart from an overall positive evaluation of the elections, she nevertheless observed some failures: the voting lists and distribution of voters' cards were not always up to date; the boycott of the election by certain sections of the political class could have undermined the confidence of certain voters in the democratisation process; in some isolated cases intimidation of voters and candidates had been observed, notably in Tamatave, Tuléar and Mahajanga. Finally, the mission deplored that the voters received insufficient information from the media and the electoral campaign to clarify their understanding of the different propositions of the parties (cf. EU, 2002). The EU mission was present up to the declaration of the official results by the Constitutional High Court (HCC) on 11 January 2003. The evaluation of the last phase of the electoral process in the final EU declaration of 13 January did not change significantly. It stressed once more the positive development and consolidation of the democratic national institutions by this process. In addition, the general calm of the post-election period, disturbed only by isolated demonstrations, and the rapid pace with which the polling results were consolidated and transmitted to the HCC, were praised. The EU-commission deplored the limited presence of the CNE in the provinces to supervise the elections, but conceded nevertheless its more active role during the post-election period (cf. www.ue-moem.org, 10 June 2003).

With this landslide victory, TIM and its allies of the *Firaisankinam-pirenena* (National Alliance) together won at least 132 seats (82 per cent) out of a total of 160 in the new Malagasy parliament.¹¹ This embodied, first, a complete reversal of the legislative power structure which before had been dominated by AREMA. Second, it represented an ex-post legitimisation of the contested result of the presidential elections in favour of the present government, which the election had in fact been designed to achieve. . This legitimisation was enhanced by the high voter turnout, which surprised many observers, because civil society had already demonstrated its support of the new regime by its own means during the critical phase of transition in 2002. As soon as the provisional results indicating Ravalomanana's victory were published, his government called on donors to keep their promises to step up their assistance for Madagascar's economic recovery (cf. UN Integrated Regional Information Networks (Nairobi), 23 December 2002). The African Union, which had been reluctant to endorse the new president, indicated in January a revision of its position after realising the strength of his support. The opposition alleged that voting was rigged and cited a number of irregularities, but very few of these were confirmed by the HCC.¹²

To repeat: the promotion of procedural multi-party democratisation, without due regard to the socio-cultural setting of African countries, does not lead to substantial democracy in Western understanding. More than a two-thirds majority in the National Assembly and the absence of a substantial opposition signifies the absence of any effective reins on the powers of the president. He will be almost as powerful as his predecessor, who ruled in the name of a socialist party representing a one-party state. This is already a concern for independent political commentators on the country (cf. Marcus, 2002:26; Marcus & Razafindrakoto, 2003; Urfer, 2003).

Conclusions

Election observation has become a valuable instrument of international policy in promoting democratisation in Africa. Nevertheless, its effectiveness could be enhanced significantly if observer missions would follow its declared aims and improve the methodology of election observation correspondingly. Unfortunately, an inadequate approach which allowed for diplomatic or technocratic bias in the outcome of election observation missions, has undermined the credibility of this instrument for the following reasons.

First, the diplomatic bias in evaluating the electoral process, much deplored within the academic community, has had ambiguous effects. This ambiguity allowed for a considerable range of observer statements, which resulted even in contradicting evaluations of the electoral process. In some crucial cases, like the South African or Nigerian founding elections of 1994 and 1999 respectively, obscuring the actual dimension of electoral rigging and violence for diplomatic reasons may have been justified by the paramount political intention of conflict prevention. In other cases, such obfuscation was merely a reflection of partisan peer-review policies of international observer missions in order to back outdated autocratic regimes, like in the case of Togo or Zimbabwean presidential elections in 2002 and 2003. In order to prevent the legitimisation of rigged elections and the acceptance of gross human rights violations by development-retarding despotic regimes through partisan peer review, it would be advisable to prescribe any diplomatic covering of rigged electoral processes and to draw a sharp distinction between the aims, methods and procedures of international election observation on the one hand, and those of other policy instruments, like crisis prevention, on the other.

Second, growing professionalism of election observation by major international players like the EU contributed to a significant reduction of the diplomatic bias in their observer statements, although it could not eliminate it entirely. However, the call for expertise also had ambiguous effects. At the same time as its proponents tried to side-step undue political interference, they risked falling into the trap of another bias, at least as virulent, and still more difficult to detect and to cure: the technocratic bias. This tendency is even more difficult to recognise, because it is typically based on positivist or Eurocentric world views and corresponding methodologies, which are mostly taken for granted by those who apply them. In particular, it corresponds to the mainstream reasoning of the international consulting business and of technical aid in general. But even those who are sceptical about piecemeal social engineering, and who take due account of the socio-cultural dimension of election observation, may turn a blind eye to the formalistic interpretation of an observer's task in certain cases, because the results from a formalistic approach fit in well with other, often undeclared vested interests of foreign policy. In this case the same applies as with the diplomatic bias. To overcome the technocratic bias of international election observation, it would be necessary to identify its sources and to develop

counteracting measures. In the following I want to summarise the most important points in this respect, returning to the example of the EU's observer mission in Madagascar.

The concentration of professional election observation on formal politics and its quest for scientifically sound quantitative methods (e.g. sample survey of polling stations) barred it from reflecting on both the socio-cultural dimension of Malagasy 'politics of the belly', and on the 'bottom-up' evaluation of the local political and cultural setting. However, the former may have decisively influenced the election, voters' behaviour, and the counting and transfer of voting results and complaints from village to district and provincial levels. Generally speaking, the search for a sound methodological observation approach should be appreciated, as it enhances public and international recognition of the observation results. However, the implementation of this methodology requires a certain minimum of time and resources. If these requirements are not met, as has been the rule rather than the exception, the restriction to those facts which can easily be observed by foreign observers not acquainted with the local structures, bears the risk of being heavily biased in favour of the prevailing power structure. To counteract these tendencies, observer missions should employ in key positions experts who are well informed about the countries' informal politics. More detailed information on informal politics in the respective country, should be included in the information booklets provided to the observers well in advance of their arrival.

In addition, the 'top-down' approach of election observation as applied by the EU observation mission in Madagascar, with a hierarchical line of command, is difficult to adapt to the local political and socio-cultural conditions, notably in remote rural areas. More flexible reactions by those experts familiar with the local socio-cultural setting should be allowed for. In fact, to put it in a nutshell, any biased approach of election observation, be it for diplomatic or for technocratic reasons, is undermining efforts to broaden and deepen African democratic polity.

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Endnotes

1. In the following the term 'founding' elections embraces both 'reconciliatory' and 'transitional' elections (cf. Douglas, 1998:472); this definition is broader and more adapted to African conditions of 'politics of the belly' (Bayart) than that of Bratton and van de Walle (1997:196) who defined founding elections as elections in which 'the office of head of government was openly contested following a period during which multiparty politics had been denied.'

2. Concerning outstanding examples of misguided approaches of 'technical assistance' cf. the debate about the 'training and visit' approach of the extension service as driving belt of the 'Green revolution' in Africa, or the critique of the 'logical framework' and similar target orientated planning methods (ZOPP), propagated during the 1980s and early 1990s by German technical assistance (GTZ) and other major donors. Both are examples of approaches of development assistance with insufficient regard to the socio-cultural dimension and the neglect of indigenous knowledge (cf. Kohnert, Preuss & Sauer, 1992; Kohnert & Weber, 1991; Kohnert, 1994).

3. The informal Toblerone group, i.e. diplomats, accredited in the Malagasy capital, who were in favour of a transition, and met regularly during the period of crisis at the Swiss embassy (cf. ROI Madagascar, 15-16 October 2002).

4. According to the Malagasy constitution (Article 77) the Senate is composed as follows: two-thirds of members elected from the different provinces (at the time of election in 2001 still under the Ratsiraka regime) and one-third of members nominated by the head of state. Up to 2002 both groups were overwhelmingly pro-Ratsiraka. In between Ravalomanana replaced the 30 nominated members by his own followers, including Rajemison, a right hand of Ravalomanana, as president of the senate (cf. Joël Ralaivaohita: 'Le Sénat: une Chambre de trop?', madonline, 22 January 2003).

5. cf. The EU's Human rights & Democratisation Policy, http://europa.eu.int/comm/external_relations/human_rights/eu_election_ass_observ/index.htm, 10 June 2003. The linkage between democracy and development is not as straight as indicated in this quotation, but space does not permit to elaborate this point further (cf. Engel et al. 1996).

6. A Ghanaian saying, quoted by Douglas (1998:492), puts it in a similar vein: 'A stranger to a place has big eyes but cannot see'.

7. For some STOs it took up to four days of cumbersome journey (back and forth), including some 14 hours' drive on difficult tracks up to midnight, as the rainy season began, to reach their destination. In short, observers missed important issues of the final pre-electoral phase as well as the election itself.

8. 'Une analyse strictement légaliste de la situation ferait abstraction de réalités qu'on ne peut ignorer et limiterait la recherche de solutions. Aujourd'hui le problème n'est plus seulement juridique, il est surtout politique' (cf. CNOE 2002).

9. *Vazaha*, is the Malagasy designation for white people, or any outsider – black or white – who has a comportment similar to the former (French) colonialists.

10. The request (HCC file No. 10/03: 'Houssen Ibrahim, Bavy Lucienne. Annulation des résultats dans les 14 bv de la commune de Milanao, Vohémar') was filed under the heading 'Requêtes irrecevables (car produites en un seul exemplaires)' www.simicro.mg/hcc/legislatives/legAR0103.htm, 3 March 2003. In view of the local socio-cultural setting in which the candidate was embedded, this decision was certainly not an indicator of the impartiality of the HCC. In his declaration of 11 January 2003, on the final results of the legislative election, the HCC cancelled the election of just four parliamentarians, the one of Vohémar was not included. According to the list of all officially confirmed parliamentarians elected on 15 December 2002, their constituency and party affiliation, published on the website of the HCC: www.simicro.mg/hcc/legislatives/Faritany2/leg209a.htm, 3 March 2003, the TIM candidate, Auguste Ramaromisy, had finally succeeded in winning the election in Vohémar.

11. For some results of the 2002 election, see the website of the Interior Ministry in Antananarive, www.legislatives.mg, 3 March 2003. According to the preliminary results the presidential party TIM gained 102, and its allies of the National Alliance, the AVI gained 24, and the RPSD 6 seats; AREMA won just three seats. Although this startling victory was partially due to the voting system (candidates were elected on a 'first-past-the-post' basis in a single-round election in the constituencies in which there was only one seat to be filled and by proportional representation from lists in constituencies with several seats to fill (Art. 66; <http://www.etat.sciencespobordeaux.fr/>, 6 October 2003). Although nationwide the candidates of the mouvance présidentielle failed to reach the 50 per cent barrier, the great majority of voters undoubtedly voted for a change (cf. Marchés Tropicaux, 03.01.03:28).

12. The HCC decided on 10 January 2003 re-elections in four constituencies: Maintirano, Benenitra, Ihosy, and Beloha, on 9 March 2003 (arrêt n° 01/HCC/AR; MIDI-Madagascar, 23 January 2003); www.legislative.mg (website extinct).

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